IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2514 OF 2005

Jairaj N.Pokardasani. ... Petitioner

Versus.

Union of India and others. ... Respondents.

Shri R.P.Saxena for the Petitioner.

None for the Respondents.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 9th JANUARY, 2006.

P.C.:

1. Heard Shri Saxena in support of this petition.

None present for the Respondents. The petition seeks to challenge order dated 23rd September 2003 passed by the Central Administrative Tribunal on Original Application No.652 of 2002 which was filed by the present Petitioner. This was to quash the report of the enquiry dated 22nd June 1996, order of punishment dated 26th August 1996 and the Appellate Order dated 7th December 1999. The Petitioner had remained absent from duty from 21st February 1994 until 23rd March 1996 i.e. for over two years which led to this enquiry and the above orders. The Administrative Tribunal by its order dated 23rd September 2003 granted some relief to the Petitioner. The entire period was to be counted for pensionary benefits though certain part of it was to be treated as 'dies non' and another part as EOL. The

Petitioner had sought review of that order and certain corrections were done by the Tribunal on 17th November 2003.

2. Thereafter the Union of India filed a Petition to challenge this order dated 23rd September 2003 vide Writ Petition No.2278 of 2004. The Petitioner herein was a Respondent. He was represented by the same Counsel who is appearing for him in the present matter. The Division Bench has considered the merits of that order and confirmed the same on 3rd September 2004. It appears that the Petitioner has opted for VRS thereafter which has given him the benefits in accordance therewith. Now he is trying to make further grievance with respect to this order of 23rd September 2003. Nothing prevented the Petitioner to raise all objections to the impugned order when the petition at the instance of the Union of India was heard by the Division Bench on 3rd September 2004. The matter cannot be reopened any more. Petition is dismissed.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)